In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.971 of 2007.

Date of decision:3.5.2007.

Managing Director and others.

...Petitioners.

Versus

M/s.Ambey Krishna Rice & General Mills and another.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present; Mr. K. K. Gupta Advocate for the petitioners.

Mr.P.C.Markanda, Senior Advocate with Mr.Naresh Markanda, Advocates for respondent No.1.

...

Judgment.

S. N. Aggarwal, J.

The submission of learned counsel for the petitioners was that the petitioners had filed an objection petition under Section 34 of the Arbitration and Conciliation Act,1996 (in short the Act of 1996). The learned Additional District Judge, Rohtak while dismissing the objection petition has termed the same as a judgment and,therefore, the petitioners had filed this Revision Petition under Article 227 of the Constitution of India.

On the other hand, the learned counsel for the respondents drew the attention of this Court towards the provisions of Section 37 of the Act of 1996 and submitted that any order passed under Section 34 of the Act of 1996 is appealable under Section 37 of the Act of 1996 and no other remedy can be resorted to.

Considered.

Merely because the learned Additional District Judge while dismissing the objection petition under Section 34 of the Act of 1976 vide impugned order dated 7.11.2006 had termed the same as a judgment, the statutory remedy available to the petitioners cannot be diverted for filing the Revision Petition.

Therefore, obviously this judgment/order was appealable under Section 37 of the Act of 1996 and since a specific remedy has been provided under the statute, the Revision Petition was not maintainable.

The learned counsel for the petitioners submits that this petition may be treated as an appeal under Section 37 of the Act of 1996. Relies upon the judgment of Hon'ble Delhi High Court reported as **Jaswinder Kaur and others Versus Jatinder Pal Singh,** 1995(1) R.C.R (Rent) 284.

However, the facts of this case do not call for any such exercise of extra-ordinary jurisdiction. The petitioners have to file an appeal under the statutory provisions. Liberty is granted to the

petitioners to file an appeal under Section 37 of the Act of 1996. If the appeal is filed by the petitioners within two weeks, the period of limitation shall not come in their way.

This Civil Revision is disposed of in the manner indicated above.

May 3,2007. (S. N. Aggarwal)
Jaggi Judge